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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/363,062 07/29/99 VIANO

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PM82/0418

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EXAMINER

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ART UNIT

PAPER NUMBER

3618

DATE MAILED:

04/18/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/363,062**

Applicant(s)

**Viano et al.**

Examiner

**Tony Winner**

Group Art Unit  
**3618**



☒ Responsive to communication(s) filed on 3/12/01

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 12-14 and 16-32 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 12-14 and 16-32 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on 1/11/01 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 13

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Acknowledgment*

1. The preliminary amendment filed 3/12/01 has been acknowledged and entered. Claims 1-11, and 15 have been deleted and claims 21-32 have been added.

### *Claim Rejections - 35 U.S.C. § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 21 is rejected under 35 U.S.C. 102(e) as being unpatentable by Viano et al. (6,073,960).

Viano discloses a frontal air bag is adapted for mounting solely to a pillar (not A pillar) of the vehicle, and is adapted to be inflated and extend downward and sideways in front of an occupant seated in the vehicle.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-14, 20, and 22-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Viano et al. (6,073,960) in view of Yamada et al. (5,884,937).

Viano disclose a frontal air bag that is adapted to be mounted solely to the pillar on a driver and passenger side of the vehicle. The air bag when deploy will extend downward and sideways in front of an occupant seated in the vehicle. Viano lack the teaching of a remote inflator which is adapted to be mounted to the vehicle structure and a trim molding to cover the air bag. However, it is inherit that all air bag that is mounted to any of the vehicle' pillars would have a trim molding.

Yamada teach an air bag device with the inflator remotely mounted to the vehicle structure so as to eliminate the restriction of inflator sizes.

With respect to claims 13-14, and 16-17, Viano as modified by Yamada meet all of the claim limitations.

With respect to claim 18, Viano as modified by Yamada disclose the air bag is included a neck portion (52, 57).

With respect to claims 20 and 21-22, Viano as modified by Yamada meet all of the claim limitations.

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*Response to Arguments*


4. Applicant's arguments filed 3/12/01 have been fully considered but they are moot in view of new ground of rejection.

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sutherland ('355), Eyraier ('421), and Brown ('900) teach similar concept.
6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Tony Winner whose telephone number is (703) 306-5957. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson, can be reached on (703) 308-0885. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-2571.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
**TONY WINNER**  
**PATENT EXAMINER**

 7/16/07  
**ANNE MARIE BOEHLER**  
**Primary Examiner**

April 12, 2001